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Letter dated 20 October 2016 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a press release issued by the Ministry of Foreign Affairs of Pakistan, containing resolution 8/43-POL, adopted by the Council of Ministers for Foreign Affairs of the Organization of Islamic Cooperation, on the situation in Indian Occupied Kashmir (see annex).

I would kindly request that the present letter and its annex be circulated as a document of the Security Council, in connection with the item entitled "The India-Pakistan question".

(*Signed*) Maleeha **Lodhi**

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Annex to the letter dated 20 October 2016 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Press release No. 535/2016

Council of Ministers for Foreign Affairs of the Organization of Islamic Cooperation adopts strongly worded resolution on the situation in Indian Occupied Kashmir, condemns India in strongest possible terms for their atrocities on Kashmiris in Indian Occupied Kashmir

Islamabad, 19 October 2016

The Council of Ministers for Foreign Affairs of the Organization of Islamic Cooperation met in Tashkent on 18 and 19 October 2016 for its forty-third session and adopted a very strongly worded resolution on the grave human rights situation in Indian Occupied Kashmir. While upholding Kashmiris' right to self-determination in accordance with the relevant Security Council resolutions, they reaffirmed the unwavering support of Organization of Islamic Cooperation countries to the just cause of the Kashmiri people, expressed deep concern and condemned in the strongest possible terms the unabated killing of defenceless Kashmiris in Indian Occupied Kashmir.

The Foreign Ministers noted the demonstrations by unarmed Kashmiris, despite the curfew, in the wake of Burhan Wani's extrajudicial killing as a referendum against India. The Foreign Ministers condemned India for the illegal detention of Kashmiris, the incarceration of Hurriyat leaders in torturous conditions and the brutal killings of Kashmiris, including children. They also condemned the Handwara episode of forced detention and sexual assault of a minor girl by the Indian police.

The Foreign Ministers once again rejected Indian attempts to equate the freedom of movement of indigenous Kashmiris in Indian Occupied Kashmir with terrorism. They paid rich tribute to the Kashmiris for the heroic struggle for their inalienable right to self-determination. They also expressed deep concern at Indian attempts to bring demographic changes in Indian Occupied Kashmir by establishing colonies and through forced conversions and the permanent settlement of non-Kashmiris in Indian Occupied Kashmir. They rejected the sham elections conducted under duress as a substitute for the exercise of the right of self-determination of the people of Jammu and Kashmir.

The Foreign Ministers denounced India's refusal to allow access to the Organization of Islamic Cooperation fact-finding mission to Indian Occupied Kashmir and called for a free and impartial inquiry into the 6,000 unmarked mass graves in Indian Occupied Kashmir discovered in 2009 in order to bring the perpetrators of the genocide to justice. The complete text of the resolution, adopted at the forty-third session of the Council of Ministers for Foreign Affairs of the Organization of Islamic Cooperation is as follows:

Resolution No. 8/43-POL on the Jammu and Kashmir dispute, adopted at the forty-third session of the Council of Ministers for Foreign Affairs of the Organization of Islamic Cooperation, held in Tashkent on 18 and 19 October 2016 (17 and 18 Muharram A. H. 1438)

The forty-third session of the Council of Ministers for Foreign Affairs, under the theme "Education and enlightenment: path to peace and creativity", held in Tashkent on 17 and 18 Muharram A. H. 1438 (18 and 19 October 2016),

Reaffirming the principles and objectives of the Charter of the Organization of Islamic Cooperation and the Charter of the United Nations regarding the sanctity of the universal realization of the right of peoples to self-determination, and recalling the numerous unimplemented Security Council resolutions on the Jammu and Kashmir dispute, which declare that the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people to join India or Pakistan expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

Recalling the Special Declarations on Jammu and Kashmir adopted by the seventh, tenth and eleventh sessions of the Islamic Summit Conference and the extraordinary sessions of the Islamic Summit, held in Casablanca, Morocco, in 1994 and Islamabad in 1997, and all previous resolutions of the Organization of Islamic Cooperation on the Jammu and Kashmir dispute and the joint communiqué, as well as the reports of the Ministerial and Summit Meetings of the Organization of Islamic Cooperation Contact Group on Jammu and Kashmir, and endorsing the recommendations contained therein,

Reaffirming the unwavering support expressed for the Kashmiri people in their just cause in the joint communiqué of the Thirteenth Summit of the Organization of Islamic Cooperation,

Stressing that Jammu and Kashmir is the core dispute between Pakistan and India and its resolution is indispensable for the realization of the dream for peace in South Asia,

Expressing deep concern at the alarming increase in the indiscriminate use of force and atrocious human rights violations committed by the security forces of India in Indian Occupied Jammu and Kashmir,

Condemning in the strongest possible terms the unabated killing and brutality let loose in Indian Occupied Kashmir by the security forces of India in the aftermath of the killing of immensely popular armed resistance leader Burhan Wani, in which dozens of civilians were killed and hundreds injured for mourning and protesting at the death of their beloved leader and expressing shock at the deadly silence of world community at the mass killings,

Noting the hugely attended funeral procession of Burhan Wani and demonstrations despite curfew restrictions as referendum against India,

Condemning the illegal police detention of Handwara, a minor girl, for 27 days when, instead of initiating inquiry against Army officials accused of sexually molesting the girl, Indian authorities used all means to force the girl

into changing her statement and brutally killed five civilians for protesting for the release of the minor girl,

Further condemning the killing of Sheikh Tanveer Sultan, who was shot dead on 13 June 2016 by Indian police in a fake encounter while traveling in a passenger bus,

Expressing deep shock at the discovery of more than 6,000 unmarked mass graves in Indian Occupied Kashmir and the apathy of the Government of India, which is still unmoved by this great human tragedy,

Strongly condemning prolonged detentions of Kashmiri leaders by India and violations of freedom of movement and expression, and noting with concern that prolonged detentions are taking a heavy toll on the health of Kashmiri leaders,

Further condemning the widespread practice of the harassment of Kashmiri students in Indian institutions for showing support to Pakistan,

Rejecting the Indian attempts to malign the legitimate Kashmiri freedom struggle by denigrating it as terrorism, and expressing support to the widespread indigenous movement in Indian Occupied Kashmir for the realization of their right to self-determination,

Taking note of the huge gatherings at the funerals of armed fighters and the demonstrations in their favour as a manifestation of widespread public support for the armed struggle in Indian Occupied Kashmir,

Paying rich tribute to the valiant people of Indian Occupied Kashmir for waging a heroic struggle for their inalienable right to self-determination,

Rejecting the sham and farcical elections held in Indian Occupied Kashmir under the duress of 700,000 Indian security forces as a substitute for a free and impartial plebiscite held under the auspices of the United Nations, which were rejected by the Security Council in its resolutions 91 (1951) and 122 (1957),

Expressing deep concern at Indian attempts to bring demographic changes in Indian Occupied Kashmir and converting the Muslim majority of the State into the minority by settling non-Muslim non-State subjects like West Pakistan refugees and establishing Sainik colonies,

Denouncing Indian attempts to disturb the religious harmony of Indian Occupied Kashmir by establishing separate colonies for Pandits, who are always welcomed by Kashmiris to return to their ancestral lands,

Taking note of the memorandum presented by the true representatives of the people of Jammu and Kashmir,

Encouraging and expressing the hope that both Pakistan and India resume the dialogue process for peacefully resolving all their outstanding issues, particularly the core dispute of Jammu and Kashmir,

Acknowledging that the people of Jammu and Kashmir are the principal party to the dispute and should be included in the Pakistan-India dialogue process,

Welcoming the establishment of a standing mechanism by the Organization of Islamic Cooperation Independent Permanent Human Rights Commission for monitoring the human rights situation in Indian Occupied Jammu and Kashmir and the adoption of its working modalities and operating methods during the sixth and eighth regular sessions of the Organization of Islamic Cooperation-Independent Permanent Human Rights Commission in pursuance of resolutions 1/40-POL, 8/41-POL and 8/42-POL adopted by the Council of Ministers for Foreign Affairs at its fortieth, forty-first and forty-second sessions, respectively,

Regretting that India is not allowing the Organization of Islamic Cooperation fact-finding mission to visit Indian Occupied Kashmir nor has it responded favourably to the offers of a good offices mission by the Organization of Islamic Cooperation,

Taking note of the personal support of the Secretary-General of the Organization of Islamic Cooperation for the Kashmir cause and his efforts for the peaceful resolution of the Kashmir dispute,

Expressing support for the work of the Special Representative of the Secretary-General of the Organization of Islamic Cooperation on Jammu and Kashmir, who recently led a high-level Organization of Islamic Cooperation delegation on a successful visit to Pakistan and Azad Jammu and Kashmir,

1. *Calls upon* India to implement the numerous Security Council resolutions on Kashmir which declare that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people, to join India or Pakistan, expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

2. *Reminds* the international community of its obligations to ensure the implementation of the Security Council resolutions on Kashmir and fulfil the promises made by it with the people of Jammu and Kashmir;

3. *Calls upon* the international community to break its deadly silence over continuous atrocious human rights violations against civilians in Indian Occupied Kashmir and take notice of excessive use of force against civilians in the aftermath of the killing of Burhan Wani, in which Indian forces fired at the protesters above the waist and implemented a policy of "shoot to kill" which resulted in dozens of deaths and many hundreds injured;

4. *Urges* India to stop forthwith the gross human rights violations in Indian Occupied Jammu and Kashmir and allow international human rights groups access to Indian Occupied Kashmir;

5. *Calls upon* India to respect the rights of freedom of movement and expression of Kashmiri leaders and release all political prisoners forthwith, particularly Syed Ali Shah Geelani, whose health has significantly deteriorated due to prolonged detention;

6. *Urges* India not to change the religious make-up of the State by settling non-State subjects in Indian Occupied Kashmir, to respect the internationally recognized disputed status of the State and not to bring any material changes there;

7. *Further urges* India not to implement the disturbing plans of religious harmony of Indian Occupied Kashmir by establishing separate colonies for Pandits;

8. *Calls upon* India to conduct free and impartial inquiry into the discovery of 6,000 unmarked mass graves and bring the perpetrators to justice;

9. *Affirms* that any political process/elections held under foreign occupation cannot be a substitute for the exercise of the right of self-determination by people of Jammu and Kashmir, as provided in the relevant Security Council resolutions and reaffirmed in the United Nations Millennium Declaration of the General Assembly;

10. *Notes with appreciation* the recent efforts of the Governments of Pakistan and India to resume the dialogue process for the resolution of all outstanding issues, particularly the core dispute of Jammu and Kashmir, and hopes that the dialogue process starts soon;

11. *Calls for* the expeditious implementation of the recommendations contained in the report of the Organization of Islamic Cooperation mission led by Amb. Abdullah Al-Alim, the Special Representative of the Secretary-General on Jammu and Kashmir to Pakistan and Azad Kashmir, in May 2016;

12. *Appeals* to member States, the Organization of Islamic Cooperation and other Islamic institutions, such as the Islamic Solidarity Fund, and philanthropists to mobilize funds and contribute generously towards providing humanitarian assistance to the Kashmiri people;

13. *Requests* the Islamic Development Bank and the Islamic Solidarity Fund to provide the financial resources necessary to provide vocational training and higher education to Kashmiri refugees, and entrusts the General Secretariat to submit appropriate proposals;

14. *Urges* the Government of India to allow the Organization of Islamic Cooperation Special Representative on Jammu and Kashmir and the Organization of Islamic Cooperation fact-finding mission to visit Indian Occupied Jammu and Kashmir for a neutral and impartial judgment of the human rights situation there;

15. *Recommends* that Member States continue to coordinate their positions in international forums, and mandates the Organization of Islamic Cooperation Contact Group on Jammu and Kashmir to meet regularly;

16. *Welcomes* the important briefings provided by the Standing Mechanism on Indian Occupied Kashmir of the Organization of Islamic Cooperation Independent Permanent Human Rights Commission to the Organization of Islamic Cooperation Contact Group on Jammu and Kashmir during the Islamic Summit and the Council of Ministers for Foreign Affairs on the human rights violations in Indian Occupied Kashmir, requests it to

continue this useful practice, and also requests the Standing Mechanism to submit its regular reports on the human rights situation in Indian Occupied Kashmir to the Council of Ministers for Foreign Affairs at its subsequent sessions;

17. *Decides* to consider the Jammu and Kashmir dispute at the forty-fourth session of the Council of Ministers for Foreign Affairs;

18. *Requests* the Secretary-General to follow up on the implementation of this resolution and to submit a report thereon to the next session of the Council of Ministers for Foreign Affairs.